

October 18, 2022

Via ECF and E-Mail

Hon. Barbara A. McAuliffe
United States Magistrate Judge
United States District Court – Eastern District of California
Robert E. Coyle United States Courthouse
2500 Tulare Street, 6th Floor
Fresno, California 93721

RE: Yellowcake, Inc. v. Hyphy Music, Inc., et al.
E.D.CA Case No.: 1:20-cv-00988

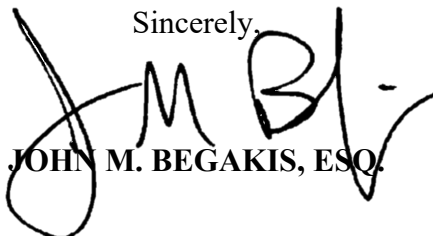
Dear Judge McAuliffe:

We are in receipt of the correspondence sent by counsel for Plaintiff/Counter-Defendants (collectively, “Counter-Defendants”) this morning, in the above-referenced matter. Therein, counsel states that our office “refused” counsel’s proposed stipulation “and is insisting on reopening discovery beyond the scope of the newly disclosed documents...” Please be advised that counsel is mischaracterizing the parties’ relevant discussion, as evidenced by the enclosed copy of such email correspondence provided to the Court for purposes of full transparency.

As set forth therein, we remain willing to withdraw our *Ex Parte* Application if Counter-Defendants’ counsel will agree to a limited – but fair and mutual – reopening of the discovery period, to allow all sides to address Defendants newly-discovered evidence. As we continue to remind counsel that trial in this matter is not set to commence until **June 27, 2023**, and there is therefore no prejudice to Counter-Defendants if the parties were to agree in good faith to do so. Even counsel for Counter-Defendants recognizes this, agreeing on October 7, 2022 to a reopening of discovery when he believed it could be used as leverage in an unrelated case to obtain concessions from Defendants.

We thank you in advance for the Court’s attention to what would clearly be an avoidable discovery dispute if counsel for Counter-Defendants was willing to meet and confer in good faith. If the Court has any questions regarding the facts surrounding the parties referenced email exchange from yesterday, please do not hesitate to contact the undersigned.

Sincerely,


JOHN M. BEGAKIS, ESQ.